

**HIGH COURT OF UTTARANCHAL AT-
NAINITAL.**

Writ Petition No. 1252 (S/S)2004

Nauwat Singh,
s/o Late Mawasi Singh,
permanent resident of
Village and Post – Tanda Afzal,
District – Moradabad, (UP)
present address Manufacturing workman,
the Kisan Sahkari Sugar Mills Ltd.,
Rajpur Puranpur,
Nadehi, District – Udham Singh Nagar,
(Uttaranchal)

...Petitioner.

Versus

1. M/s the Kisan Sahkari Sugar Mills Ltd.,
Rajpur Puranpur, Nadehi, District –Udham
Singh Nagar.
2. Chairman, M/s the Kisan Sahkari Sugar
Mills Ltd. Rajpur Puranpur, Nadehi, District
–Udham Singh Nagar.
3. General Manager, M/s the Kisan Sahkari
Sugar Mills Ltd., Rajpur Puranpur, Nadehi,
District –Udham Singh Nagar.

....Respondents.

Sri K.S. Bhaskar, learned counsel for the petitioner.
Sri C.K. Sharma, learned counsel for the respondent.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri K.S. Bhaskar, learned counsel for the
petitioner and Sri C.K. Sharma, learned counsel for
the respondent.

Learned counsel for both the parties are agreed
to decide the writ petition at its admission stage itself.
I am going to decide this case without going into the
merit.

By means of this writ petition the petitioner, who
is working as Seasonal Mazdoor with M/s Kisan

Sahkari Sugar Mills Ltd, Nadehi, District – Udham Singh Nagar, has prayed to issue a writ in the nature of Mandamus commanding the respondent no. 3 to recall the notice of his retirement.

The contention of the petitioner is that in his service book his date of birth has wrongly been mentioned as 17.3.1945 whereas according to parivar register / medical certificate obtained by the petitioner/ voter list, he should be 51 years of age and as such, the notice of his retirement after completing the age of 60 years, according to service book, is illegal.

Sri C. K. Sharma, learned counsel for the respondents has objected on the maintainability of the writ petition and has submitted that the petitioner may approach the Labour Court for redressal of his grievance.

Learned counsel for the petitioner has submitted that he has already filed a representation dated 16.08.2003 (annexure no. 2 to the writ petition) before the Authorities concerned. He has confined his prayer that the Authorities concerned may decide his representation.

The prayer is innocuous. I direct the respondents to decide the aforesaid representation within a period of four weeks from the date of receipt of certified copy of this order.

With this direction the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

March 16, 2005
S.K. Sharma